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04/25/2008 05:08 PM

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cc "Atterberry, Rachel" <ratterberry@freebornpeters.com>,  
<joneill@pszyjw.com>  
bcc

Subject In re DigaComm, LLC, C.A. No. 1:08-mc-00078-SLR

Dear Judge Robinson:

I represent Morgan Keegan Employee Investment Fund, LP and Morgan Keegan Early Stage Fund, LP (collectively "Morgan Keegan") in a miscellaneous action pending before this Court (*In re DigaComm, LLC*, C.A. No. 1:08-mc-00078-SLR). In the miscellaneous action, Morgan Keegan seeks to quash a subpoena issued out of the District of Delaware, a subpoena issued out of this Court but relating to ongoing discovery in the United States District Court for the Northern District of Illinois in Civil Action Number 1:08-cv-00338. The Honorable George W. Lindberg presides over the related action in Illinois.

I write to advise the Court that, on April 22, 2008, Judge Lindberg stayed all further proceedings in the case (with minor exceptions not applicable here). A copy of Judge Lindberg's Minute Entry and the current docket sheet are attached for the Court's review.

Based on the stay entered by Judge Lindberg, Morgan Keegan respectfully requests that this Court delay its consideration of the pending motion to quash (D.I. 1) until that stay is lifted or otherwise terminated.

Counsel are available if the Court has any questions or concerns.

Respectfully submitted,

Robert K. Beste (No. 3931)

Smith, Katzenstein & Furlow LLP  
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(302) 652-8405 (facsimile)



rkb@skfdelaware.com Minute Entry (10042618).PDF N.D. Ill. Docket (as of April 25, 2008) (10042619).PDF

COLE, PROTO

**United States District Court  
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)  
CIVIL DOCKET FOR CASE #: 1:08-cv-00338**

DigaComm, LLC v. Vehicle Safety and Compliance, LLC et al  
Assigned to: Honorable George W. Lindberg  
Demand: \$75,000  
Case in other court: Circuit Court of Cook County, 2007 L  
013795  
Cause: 28:1441 Petition for Removal

Date Filed: 01/15/2008  
Jury Demand: Both  
Nature of Suit: 370 Personal Prop.: Fraud  
or Truth-In-Lending  
Jurisdiction: Diversity

**Plaintiff****DigaComm, LLC**

represented by **Matthew Emrich Nirider**  
Kirkland & Ellis LLP (Chicago)  
200 East Randolph Drive  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Vehicle Safety and Compliance, LLC**represented by **Joseph L. Fogel**

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**Kellye L Fabian**

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**John Z. Lee**

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**Rachel Elisabeth Anne Atterberry**

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Email: [ratterberry@freebornpeters.com](mailto:ratterberry@freebornpeters.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Pittco Capital Partners, LP**

represented by **Joseph L. Fogel**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kellye L Fabian**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael D. Freeborn**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Z. Lee**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rachel Elisabeth Anne Atterberry**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Pittco Capital Partners II, LP**

represented by **Joseph L. Fogel**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kellye L Fabian**  
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**Michael D. Freeborn**  
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**John Z. Lee**  
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*ATTORNEY TO BE NOTICED*

**Rachel Elisabeth Anne Atterberry**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**J.R. "Pitt" Hyde, III**

represented by **Joseph L. Fogel**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kellye L Fabian**  
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**Michael D. Freeborn**  
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**John Z. Lee**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rachel Elisabeth Anne Atterberry**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Andrew Seamons**

represented by **Joseph L. Fogel**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kellye L Fabian**  
(See above for address)  
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**Michael D. Freeborn**  
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**John Z. Lee**  
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**Rachel Elisabeth Anne Atterberry**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**John Does**

*1 - 10*

Date Filed	#	Docket Text
01/15/2008	<u>1</u>	NOTICE of Removal from Circuit Court of Cook County with copy of complaint, case number (2007 L 013795) filed by J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP Filing fee \$ 350. (Attachments: # <u>1</u> Exhibit A, Part 1 of 2; # <u>2</u> Exhibit A, Part 2 of 2; # <u>3</u> Exhibit B, Part 1 of 2; # <u>4</u> Exhibit B, Part 2 of 2; # <u>5</u> Exhibit C; # <u>6</u> Exhibit D; # <u>7</u> Exhibit E; # <u>8</u> Exhibit F; # <u>9</u> Exhibit G). (gmr, ) (Entered: 01/16/2008)
01/15/2008	<u>2</u>	CIVIL Cover Sheet. (gmr, ) (Entered: 01/16/2008)
01/15/2008	<u>3</u>	ATTORNEY Appearance for Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP by Kellye L Fabian. (gmr, ) (Entered: 01/16/2008)
01/16/2008		MAILED Notice of Removal letter to Plaintiff's counsel. (gmr, ) (Entered: 01/16/2008)
01/16/2008	<u>5</u>	ATTORNEY Appearance for Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP by John Z. Lee (Lee, John) (Entered: 01/16/2008)
01/17/2008	<u>6</u>	MINUTE entry before Judge George W. Lindberg :The Court, sua sponte, strikes Defendants' Notice of Removal <u>1</u> . Defendants' removal notice fails to allege federal subject matter jurisdiction. See Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94-95 (1998) ("Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.'...The requirement that jurisdiction be established as a threshold matter 'spring[s] from the nature and limits of the judicial power of the United States' and is 'inflexible and without exception.'") (citations omitted). Mailed notice (slb, ) (Entered: 01/17/2008)
01/30/2008	<u>9</u>	ATTORNEY Appearance for Plaintiff DigaComm, LLC by Stephen Charles Hackney. (rp, ) (Entered: 02/04/2008)
01/30/2008	<u>10</u>	ATTORNEY Appearance for Plaintiff DigaComm, LLC by Matthew Emrich Nirider. (rp, ) (Entered: 02/04/2008)
01/31/2008	<u>7</u>	AMENDED notice of removal,, <u>1</u> by J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP (Attachments: # <u>1</u> Exhibit A (Part 1 of 2)# <u>2</u> Exhibit A (Part 2 of 2)# <u>3</u> Exhibit B (Part 1 of 2)# <u>4</u> Exhibit B (Part 2 of 2)# <u>5</u> Exhibit C# <u>6</u> Exhibit D# <u>7</u> Exhibit E# <u>8</u> Exhibit F)(Fabian, Kellye) (Entered: 01/31/2008)
02/04/2008	<u>8</u>	ATTORNEY Appearance for Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP by Michael D. Freeborn (Freeborn, Michael) (Entered: 02/04/2008)
02/05/2008	<u>11</u>	ATTORNEY Appearance for Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital



		Partners II, LP by Joseph L. Fogel (Fogel, Joseph) (Entered: 02/05/2008)
02/07/2008	<u>12</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to file instanter <i>Memorandum in Support of Defendants' Combined Motion to Dismiss in Excess of Fifteen Pages</i> (Fabian, Kellye) (Entered: 02/07/2008)
02/07/2008	<u>13</u>	NOTICE of Motion by Kellye L Fabian for presentment of motion to file instanter, <u>12</u> before Honorable George W. Lindberg on 2/13/2008 at 09:30 AM. (Fabian, Kellye) (Entered: 02/07/2008)
02/07/2008	<u>14</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to dismiss <i>pursuant to Rules 12(b)(2) and 12(b)(6), or, in the Alternative, to Transfer under 28 U.S.C. section 1404</i> (Fabian, Kellye) (Entered: 02/07/2008)
02/07/2008	<u>15</u>	MEMORANDUM by J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP in support of motion to dismiss, <u>14</u> (Attachments: # <u>1</u> Exhibit Exhibits A-E# <u>2</u> Exhibit Exhibit F Part 1# <u>3</u> Exhibit Exhibit F Part 2)(Fabian, Kellye) (Entered: 02/07/2008)
02/07/2008	<u>16</u>	NOTICE of Motion by Kellye L Fabian for presentment of motion to dismiss, <u>14</u> before Honorable George W. Lindberg on 2/13/2008 at 09:30 AM. (Fabian, Kellye) (Entered: 02/07/2008)
02/08/2008	<u>17</u>	MINUTE entry before Judge George W. Lindberg :Defendants' Uncontested Motion for Leave to File, Instanter, Memorandum in Support of Defendants' Combined Motion to Dismiss in Excess of Fifteen Pages <u>12</u> is granted. Plaintiff's response to Defendants' Combined Motion to Dismiss Pursuant to Rules 12(b)(2) and 12(b)(6), or, in the Alternative, to Transfer Under 28 U.S.C. § 1404 <u>14</u> must be filed on or before 3/5/08. Defendants' reply, if any, must be filed on or before 3/14/08. A ruling date is scheduled for 4/10/08 at 9:30 a.m. The parties are advised that any future requests to exceed the 15-page limit must be brought by motion in advance of filing the brief. A status hearing is scheduled for 2/21/08 at 9:30 a.m. Mailed notice (gmr, ) (Entered: 02/08/2008)
02/21/2008	<u>18</u>	MINUTE entry before Judge George W. Lindberg :Status hearing held and continued to 4/23/2008 at 9:30a.m. Discovery cutoff set for 7/9/2008. Discovery hearing set for 6/11/2008 at 9:30a.m. Motion for summary judgment to be filed on or before 7/30/2008. Response to the motion for summary judgment to be filed on or before 8/13/2008. Reply due 8/20/2008. Ruling set for 9/17/2008 at 9:30a.m. Proposed final pretrial order to be submitted to chambers by 2pm on 9/17/2008. Trial set for 10/14/2008 at 10:00a.m.Mailed notice (slb, ) (Entered: 02/21/2008)
02/25/2008	<u>19</u>	MOTION by Plaintiff DigaComm, LLC for leave to file excess pages <i>in Response to Motion to Dismiss</i> (Nirider, Matthew) (Entered: 02/25/2008)
02/25/2008	<u>20</u>	NOTICE of Motion by Matthew Emrich Nirider for presentment of motion for leave to file excess pages <u>19</u> before Honorable George W. Lindberg on 3/5/2008 at 09:30 AM. (Nirider, Matthew) (Entered: 02/25/2008)

02/25/2008	<u>21</u>	MINUTE entry before Judge George W. Lindberg :Plaintiff's Uncontested Motion for Leave to File Response to Defendants' Combined Motion to Dismiss in Excess of 15 Pages is granted. Mailed notice (slb, ) (Entered: 02/25/2008)
02/25/2008	<u>22</u>	MINUTE entry before Judge George W. Lindberg :The Court, sua sponte, advises the parties that discovery commenced on February 21, 2008. The parties need not wait until completion of their Rule 26(f) conference or submission of their Rule 26(f) report to serve or take discovery in this case.Mailed notice (slb, ) (Entered: 02/25/2008)
03/05/2008	<u>23</u>	RESPONSE by DigaComm, LLCin Opposition to MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to dismiss <i>pursuant to Rules 12(b)(2) and 12(b)(6), or, in the Alternative, to Transf</i> MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to dismiss <i>pursuant to Rules 12(b)(2) and 12(b)(6), or, in the Alternative, to Transf</i> <u>14</u> (Attachments: # <u>1</u> Exhibit Affidavit# <u>2</u> Exhibit Part 2 to Ex 1# <u>3</u> Exhibit Affidavit# <u>4</u> Exhibit Unpublished Opinions# <u>5</u> Exhibit Part 2 of Ex 3# <u>6</u> Exhibit Part 3 of Ex 3# <u>7</u> Exhibit Part 4 of Ex 3)(Nirider, Matthew) (Entered: 03/05/2008)
03/11/2008	<u>24</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP for extension of time to file response/reply <i>and for leave to file reply brief in excess of fifteen pages in support of combined motion to dismiss or transfer</i> (Fabian, Kellye) (Entered: 03/11/2008)
03/11/2008	<u>25</u>	NOTICE of Motion by Kellye L Fabian for presentment of motion for extension of time to file response/reply, <u>24</u> before Honorable George W. Lindberg on 3/19/2008 at 09:30 AM. (Fabian, Kellye) (Entered: 03/11/2008)
03/11/2008	<u>26</u>	MINUTE entry before Judge George W. Lindberg :Defendants' Motion for Five Day Extension of Time to File Reply and Leave to File Reply Brief in Excess of Fifteen Pages in Support of Combined Motion to Dismiss or Transfer <u>24</u> is granted. The ruling date is rescheduled to April 23, 2008 at 9:30 a.m. Mailed notice (gmr, ) (Entered: 03/12/2008)
03/14/2008	<u>27</u>	MOTION by Plaintiff DigaComm, LLC for protective order (Attachments: # <u>1</u> Text of Proposed Order)(Nirider, Matthew) (Entered: 03/14/2008)
03/14/2008	<u>28</u>	NOTICE of Motion by Matthew Emrich Nirider for presentment of motion for protective order <u>27</u> before Honorable George W. Lindberg on 3/19/2008 at 09:30 AM. (Nirider, Matthew) (Entered: 03/14/2008)
03/17/2008	<u>29</u>	RESPONSE by J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to MOTION by Plaintiff DigaComm, LLC for protective order <u>27</u> (Attachments: # <u>1</u> Exhibit A)(Fabian, Kellye) (Entered: 03/17/2008)
03/18/2008	<u>30</u>	MINUTE entry before Judge Honorable George W. Lindberg:Plaintiff's Motion for entry of protective order <u>27</u> is granted. No Court appearance is required on 3/19/2008.Mailed notice (dl, ) (Entered: 03/18/2008)



03/18/2008	<u>31</u>	ATTORNEY Appearance for Plaintiff DigaComm, LLC by Timothy D. Elliott (Elliott, Timothy) (Entered: 03/18/2008)
03/18/2008	<u>33</u>	PROTECTIVE Order Signed by Judge George W. Lindberg on 3/18/2008.(rp, ) (Entered: 03/21/2008)
03/19/2008	<u>32</u>	REPLY by Defendant Vehicle Safety and Compliance, LLC to motion to dismiss, <u>14</u> or in the alternative, to transfer venue (Attachments: # <u>1</u> Exhibit Exhibits A-C, # <u>2</u> Unpublished Cases Cited in Brief)(Lee, John) (Entered: 03/19/2008)
03/21/2008	<u>34</u>	MOTION by Defendant Vehicle Safety and Compliance, LLC Uncontested Motion to Schedule Settlement Conference After April 23, 2008 Ruling on Motion to Dismiss (Lee, John) (Entered: 03/21/2008)
03/21/2008	<u>35</u>	NOTICE of Motion by John Z. Lee for presentment of motion for miscellaneous relief <u>34</u> before Honorable George W. Lindberg on 3/26/2008 at 09:30 AM. (Lee, John) (Entered: 03/21/2008)
03/24/2008	<u>36</u>	MINUTE entry before Judge Honorable George W. Lindberg: Defendants' Uncontested Motion to Schedule Settlement Conference After 4/23/08. Ruling on Motion to Dismiss <u>34</u> is denied. Upon further consideration, the Court finds that deferring the face-to-face settlement conference undermines one purpose of the conference the resolution of disputes, if possible, at the outset of litigation. The parties are ordered to hold their conference prior to 4/23/08 and appear on that date at 9:30 a.m. to report the results of the same. If the parties settle the case or if there is unanimous consent to transfer the case to Magistrate Judge Cole for all purposes (including trial and entry of final judgment), they may report the same to the Court's Courtroom Deputy and need not appear on 4/23/08. Otherwise, the parties must submit a Rule 26(f) report on 4/23/08. Status hearing set for 4/23/2008 at 9:30 a.m. Mailed notice (hp, ) Modified on 3/25/2008 (hp, ). (Entered: 03/25/2008)
03/31/2008	<u>37</u>	MOTION by Plaintiff DigaComm, LLC to strike reply <u>32</u> in Support of Motion to Dismiss or Transfer (Nirider, Matthew) (Entered: 03/31/2008)
03/31/2008	<u>38</u>	NOTICE of Motion by Matthew Emrich Nirider for presentment of motion to strike, motion for relief <u>37</u> before Honorable George W. Lindberg on 4/9/2008 at 09:30 AM. (Nirider, Matthew) (Entered: 03/31/2008)
04/01/2008	<u>39</u>	MINUTE entry before Judge Honorable George W. Lindberg: Defendants are ordered to respond to Plaintiff's Motion to Strike New Evidence by 4/7/2008. No reply ordered. Ruling by mail. No court appearance required.Mailed notice (slb, ) (Entered: 04/01/2008)
04/04/2008	<u>40</u>	MOTION by Plaintiff DigaComm, LLC to compel <i>production of documents from Defendants</i> (Attachments: # <u>1</u> Exhibit DigaComm's Motion to Compel Ex A, # <u>2</u> Exhibit DigaComm's Motion to Compel Ex B, # <u>3</u> Exhibit DigaComm's Motion to Compel Ex C, # <u>4</u> Exhibit DigaComm's Motion to Compel Ex D, # <u>5</u> Exhibit DigaComm's Motion to Compel Ex E, # <u>6</u> Exhibit DigaComm's Motion to Compel Ex F, # <u>7</u> Exhibit DigaComm's Motion to Compel Ex G)(Nirider, Matthew) (Entered: 04/04/2008)
04/04/2008	<u>41</u>	NOTICE of Motion by Matthew Emrich Nirider for presentment of motion to compel, <u>40</u> before Honorable George W. Lindberg on 4/9/2008 at 09:30 AM.

		(Nirider, Matthew) (Entered: 04/04/2008)
04/04/2008	<u>42</u>	MINUTE entry before Judge Honorable George W. Lindberg: Defendants are ordered to respond to plaintiff's motion to compel by 4/8/2008. Hearing on the motion to compel set for 4/10/2008 at 11:30a.m. No court appearance required on 4/9/2008.Mailed notice (slb, ) (Entered: 04/04/2008)
04/07/2008	<u>43</u>	RESPONSE by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to motion to strike, motion for relief <u>37</u> (Attachments: # <u>1</u> Exhibit A)(Fabian, Kellye) (Entered: 04/07/2008)
04/08/2008	<u>44</u>	RESPONSE by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to motion to compel, <u>40</u> (Fabian, Kellye) (Entered: 04/08/2008)
04/09/2008	<u>45</u>	ATTORNEY Appearance for Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP by Rachel Elisabeth Anne Atterberry (Atterberry, Rachel) (Entered: 04/09/2008)
04/09/2008	<u>46</u>	MINUTE entry before Judge Honorable George W. Lindberg:Ruling on the motion to compel will be made by mail. The motion hearing date of 4/10/2008 is stricken. No court appearance required on 4/10/2008.Mailed notice (slb, ) (Entered: 04/09/2008)
04/09/2008	<u>47</u>	MINUTE entry before Judge Honorable George W. Lindberg: Plaintiff's Motion to Strike New Evidence Attached to Defendants' Reply in Support of Motion to Dismiss or Transfer <u>37</u> is granted in part. Plaintiff is granted leave to file a surreply of no more than ten pages on or before April 21, 2008. The ruling date on Defendants' motion to dismiss or transfer <u>14</u> is rescheduled to May 21, 2008 at 9:30 a.m. Mailed notice (cdy, ) (Entered: 04/10/2008)
04/09/2008	<u>48</u>	MINUTE entry before Judge Honorable George W. Lindberg: Plaintiff's Motion to Compel <u>40</u> is granted in part. Defendants are ordered to produce documents on a rollingbasis and complete their production by no later than April 21, 2008. Mailed notice (cdy, ) (Entered: 04/10/2008)
04/15/2008	<u>49</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to disqualify counsel (Fogel, Joseph) (Entered: 04/15/2008)
04/15/2008	<u>50</u>	MEMORANDUM by J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP in support of motion to disqualify counsel <u>49</u> (Attachments: # <u>1</u> Exhibit A-E, # <u>2</u> Exhibit F)(Fogel, Joseph) (Entered: 04/15/2008)
04/15/2008	<u>51</u>	NOTICE of Motion by Joseph L. Fogel for presentment of motion to disqualify counsel <u>49</u> before Honorable George W. Lindberg on 4/23/2008 at 09:30 AM. (Fogel, Joseph) (Entered: 04/15/2008)
04/15/2008	<u>52</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP Expedited Hearing and Temporary Stay Pending the Resolution of Motion to Disqualify (Fogel, Joseph) (Entered: 04/15/2008)

04/15/2008	<u>53</u>	NOTICE of Motion by Joseph L. Fogel for presentment of motion for miscellaneous relief, <u>52</u> before Honorable George W. Lindberg on 4/23/2008 at 09:30 AM. (Fogel, Joseph) (Entered: 04/15/2008)
04/15/2008	<u>54</u>	MINUTE entry before Judge Honorable George W. Lindberg:Plaintiff is ordered to respond to Defendants' Motion to Disqualify <u>49</u> and Defendants' Motion for Expedited Hearing and Temporary Stay <u>52</u> by 4/18/08. No replies ordered. Mailed notice (slb, ) (Entered: 04/15/2008)
04/17/2008	<u>55</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP To File, Instantner, Supplement in Support of Motion to Disqualify Kirkland & Ellis LLP (Attachments: # <u>1</u> Exhibit A)(Fogel, Joseph) (Entered: 04/17/2008)
04/17/2008	<u>56</u>	NOTICE of Motion by Joseph L. Fogel for presentment of motion for miscellaneous relief, <u>55</u> before Honorable George W. Lindberg on 4/23/2008 at 09:30 AM. (Fogel, Joseph) (Entered: 04/17/2008)
04/18/2008	<u>57</u>	REPLY by DigaComm, LLC to MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP Expedited Hearing and Temporary Stay Pending the Resolution of Motion to Disqualify <u>52</u> , MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to disqualify counsel <u>49</u> , memorandum in support of motion, <u>50</u> (Attachments: # <u>1</u> Declaration Exhibit 1 - Declaration of Peter Smith, # <u>2</u> Declaration Exhibit 2 - Declaration of Stephen Hackney, # <u>3</u> Declaration Exhibit 3 - Declaration of Matthew Nirider, # <u>4</u> Exhibit Exhibit 4 - Westlaw Case)(Nirider, Matthew) (Entered: 04/18/2008)
04/18/2008	<u>58</u>	RESPONSE by DigaComm, LLC to MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP To File, Instantner, Supplement in Support of Motion to Disqualify Kirkland & Ellis LLP <u>55</u> (Attachments: # <u>1</u> Exhibit Exhibit A - Confidential -- Subject to Protective Order, # <u>2</u> Exhibit Exhibit B)(Nirider, Matthew) (Entered: 04/18/2008)
04/18/2008	<u>59</u>	EXHIBIT A to Digacomm's Response to Defendants' Motion to Supplement in Support of Motion to Disqualify Kirkland & Ellis LLP <u>58</u> by Plaintiff DigaComm, LLC. (RESTRICTED) (Document not scanned) (td, ) (Entered: 04/21/2008)
04/21/2008	<u>60</u>	MOTION by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, John Does, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to file instantner <i>A Reply In Support Of Defendants' Motion To Disqualify Kirkland and Ellis</i> (Attachments: # <u>1</u> Reply In Support Of Defendants' Motion to Disqualify Kirkland & Ellis)(Lee, John) (Entered: 04/21/2008)
04/21/2008	<u>61</u>	NOTICE of Motion by John Z. Lee for presentment of motion to file instantner, <u>60</u> before Honorable George W. Lindberg on 4/30/2008 at 09:30 AM. (Lee, John) (Entered: 04/21/2008)
04/21/2008	<u>62</u>	SUR-REPLY by Plaintiff DigaComm, LLC to reply <u>32</u> <i>Relating to Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit Exhibit 1 - Tunick Declaration, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Declaration Hackney Declaration, # <u>4</u> Exhibit WestLaw case -

		Hoffa v Craney, # <u>5</u> Exhibit WestLaw case - Riddell v Monica)(Nirider, Matthew) (Entered: 04/21/2008)
04/22/2008	<u>64</u>	MINUTE entry before Judge Honorable George W. Lindberg:Defendants' Motion to File Supplement in Support of Disqualification Motion <u>55</u> is granted. Defendants' Motion for Leave to File Reply in Support of Disqualification Motion <u>60</u> is granted.Defendants' Motion for Expedited Hearing and Temporary Stay Pending the Resolution of Disqualification Motion <u>52</u> is granted in part. Mailed notice (rbf, ) (Entered: 04/23/2008)
04/23/2008	<u>63</u>	MINUTE entry before Judge Honorable George W. Lindberg: Status hearing held and continued for 6/11/2008 at 09:30 AM.Mailed notice (slb, ) (Entered: 04/23/2008)
04/23/2008	<u>65</u>	REPLY by Defendants J.R. "Pitt" Hyde, III, Andrew Seamons, Vehicle Safety and Compliance, LLC, Pittco Capital Partners, LP, Pittco Capital Partners II, LP to reply to response to motion,,, <u>57</u> to Disqualify Kirkland & Ellis LLP (Lee, John) (Entered: 04/23/2008)

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<b>PACER Login:</b>	sk0016	<b>Client Code:</b>	08103
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-00338
<b>Billable Pages:</b>	7	<b>Cost:</b>	0.56



**United States District Court, Northern District of Illinois**

<b>Name of Assigned Judge or Magistrate Judge</b>	George W. Lindberg	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	08 C 338	<b>DATE</b>	4/22/2008
<b>CASE TITLE</b>	DigaComm vs. Vehicle Safety		

**DOCKET ENTRY TEXT**

Defendants' Motion to File Supplement in Support of Disqualification Motion [55] is granted. Defendants' Motion for Leave to File Reply in Support of Disqualification Motion [60] is granted. Defendants' Motion for Expedited Hearing and Temporary Stay Pending the Resolution of Disqualification Motion [52] is granted in part.

■ [ For further details see text below.]

Docketing to mail notices.

**STATEMENT**

Defendants' Motion to File Supplement in Support of Disqualification Motion [55] is granted. The parties may not file any documents under seal in connection with Defendants' motion to supplement. Defendants' Motion for Leave to File Reply in Support of Disqualification Motion [60] is granted. Defendants are granted leave to file the reply brief [60-2] attached as Exhibit A to their motion by 4/23/08. Defendants' Motion for Expedited Hearing and Temporary Stay Pending the Resolution of Disqualification Motion [52] is granted in part. With the exception of the parties' face-to-face settlement and case management conference and 4/23/08 status hearing, all proceedings in this case are stayed by the entry of this order. The stay will remain in effect until the disqualification motion is resolved. A ruling on the disqualification motion will be issued by mail. The case management schedule will be adjusted after the Court rules on the disqualification motion. Pursuant to the Court's 3/24/08 Order, the parties must appear on 4/23/08 at 9:30 a.m. to report the results of their face-to-face settlement and case management conference. The Court will not hear argument on the disqualification motion or motion to dismiss and/or transfer on 4/23/08. The parties may wait to submit a Rule 26(f) report, if necessary, until after the Court rules on the disqualification motion and modifies the case management schedule.

Courtroom Deputy

SLB